

13

LUC-114F / Balachandran 7-12-28

**Remarks**

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, claims 6, 12, 18, 23, 42, and 44 are amended, and claim 43 is canceled. These amendments to the claims constitute a bona fide attempt by applicants to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. Claims 4, 6-7, 10-12, 15-16, 18-31, 33-40, 42, and 44 are pending.

**Allowable Subject Matter:**

Claims 43-44 were objected to as being dependent upon a rejected base claim, but were indicated as allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants gratefully acknowledges this indication of allowability, and have rewritten independent claim 42 to include the limitations of claim 43 and all intervening claims (none). Therefore, Applicants respectfully requests an indication of allowability for claims 33-40, 42, and 44.

Claims 12, 15-16, 18-22, and 25-31 are allowed. Applicants gratefully acknowledge this indication of allowance.

Claim Rejections - 35 U.S.C. §103

Claims 4, 6-7, 10-11, 23-24, 33-40, and 42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schramm, et al. (U.S. Patent No. 6,208,663; "Schramm") in view of Roobol et al. (U.S. Patent No. 6,363,058; "Roobol"). This rejection is respectfully, but most strenuously, traversed.

Applicants respectfully submit that the applied references, with or without combination, assuming, *arguendo*, that the combination of the applied references is proper, do not teach or suggest one or more elements of the claimed invention, as further discussed below.

Applicants have amended independent claims 6 and 23 to recite features analogous to the subset of features of allowable claim 43. The art of record does not disclose replacing dropped coded sub-blocks with extended header information in retransmitted transmission units. This point has even been conceded by the office action (page 7, point 5).

For all the above reasons, the independent claims presented herewith are believed neither anticipated nor obvious over the art of the record. The dependent claims are believed allowable for the same reasons as the independent claims, as well as for their own additional characterizations.

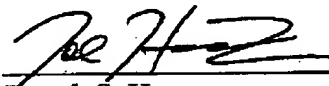
15

LUC-114F / Balachandran 7-12-28

Withdrawal of the §103 rejection is therefore respectfully requested.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney Robert J. Brill, Reg. No. 36,760, and applicants' undersigned agent.

Respectfully submitted,



Joseph S. Hanasz  
Agent for Applicants  
Reg. No. 54,720

Dated: February 4, 2004

PATTI & BRILL, LLC  
Customer Number 32205